

**REMARKS/ARGUMENTS**

**Status of Claims:**

Claims 1-33 are pending in the subject application.

Claims 1-33 were rejected.

**Patent Office rejection of claims 1-33 under 35 U.S.C. § 102(b):**

Claims 1-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Burnham et al. (U.S. Patent No. 5,181,211).

**Applicants' response to rejection of claims 1-33 under 35 U.S.C. § 102(b):**

Applicants respectfully traverse the §102(b) rejection of claims 1-33. MPEP § 2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Contrary to the examiner's assertion that all elements are disclosed in the Burnham reference, the wavelength shifting crystal of claim 1 is not, so the rejection is unsupported by the art and should be withdrawn.

Burnham's invention uses an optical parametric oscillator (OPO) or parametric amplifier (OPA) that generate two waves of longer wavelength than the input wave. *See* Burnham, col. 2, lines 11-15. OPOs require polarized beams that must be phase matched, the OPO crystal must

be cut properly and aligned, and the crystal temperature must be regulated. *See* Burnham, col. 2, lines 18-20, 39-68, col. 3, 1-18.

Applicant's invention, on the other hand, uses an entirely different technique – a Raman crystal, which changes the frequency of the input beam to the eye-safe wavelength range. With the wavelength shifting crystal, an element not disclosed in Burnham, issues such as phase matching, polarization, and orientation are not a concern.

**Conclusion:**

In view of the above argument, Applicant submits that the 35 U.S.C. §102(b) rejection of claims 1-33 is improper. Withdrawal of the rejection is, therefore, respectfully requested. Also attached hereto is the aforementioned Petition for Extension of Time.

Respectfully submitted,

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